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# QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

## QUESTION OF HUMAN RIGHTS IN CYPRUS

## Report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1996/112

1. The Commission on Human Rights, in its decision 1996/112 of 23 April 1996, decided to retain on its agenda item 10 (a) entitled "Question of human rights in Cyprus", it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation. The present report is submitted pursuant to that decision.

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. It considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities. It also called for the tracing of and accounting for missing persons in Cyprus without any further delay and for the restoration and respect of human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

3. During the past year the Secretary-General's mission of good offices, carried out within the overall framework set by the Security Council, did not succeed in resolving the impasse in the negotiating process.

4. In an informal meeting held in mid-April, also attended by senior Secretariat officials, the permanent members of the Security Council underlined the importance they attached to a comprehensive approach to a settlement of the Cyprus problem, on the basis of Security Council resolutions, the high-level agreements of 1977 and 1979 and the efforts by the Secretary-General and his Representatives. On 1 May, the Council endorsed the appointment of Han Sung-Joo, former Minister for Foreign Affairs of the Republic of Korea, as the new Special Representative for Cyprus, replacing Joe Clark, who had served since 1993.

5. In June 1996, my predecessor met separately with each of the Cypriot leaders in the hope of being able to confirm that they were both ready to resume direct talks on the basis of mutual acknowledgment of each other's concerns and a willingness to compromise. While these meetings did not lead to an agreement on the early convening of direct talks, they provided a basis on which the Special Representative could pursue contacts with the parties in order to achieve such an agreement. To that end, Professor Han visited the region in late June and early July and met with the Cypriot parties and the Governments of Greece and Turkey. He also travelled to Moscow, Paris, London, Dublin and Brussels for consultations with the Governments concerned, the Presidency of the European Union and European Commission officials. His consultations confirmed an increased interest on the part of the international community in finding a settlement of the Cyprus issue (see S/1996/467).

6. As explained in the December 1996 report to the Security Council on the Secretary-General's mission of good offices in Cyprus (S/1996/1055), tension escalated in the past year and violence along the cease-fire lines reached a level not seen since 1974. Professor Han's second visit to the area in mid-September 1996 was overshadowed by the incidents of 11 and 14 August and their aftermath. His discussions with the leaders of the two communities therefore focused on ways of reducing the tension. During his third visit to the area, in mid-December, he found that the gap between the positions of the two sides had not narrowed and that each leader continued to express serious doubts about the real intentions of the other. Meanwhile, the international interest in the Cyprus problem continued to intensify in the second half of 1996 as senior officials from a number of countries, as well as the European Union Presidency Envoy visited Cyprus, Greece and Turkey to help overcome the existing impasse by exploring possible ways of bringing the positions of the two sides closer together.

7. In its resolution 1092 (1996) of 23 December 1996, the Security Council, inter alia, welcomed the efforts of the Secretary-General's Special Representative, and of those working in his support, to prepare the ground for open-ended direct negotiations in the first half of 1997 between the leaders of the two communities in order to secure an overall settlement, and called upon the parties to cooperate with him. The Council also underlined that the success of that process would require the creation of genuine mutual confidence on both sides and the avoidance of actions which increase tension, and called upon the leaders of both communities to create a climate of

reconciliation and confidence. The Council also expressed grave concern about the excessive level of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including the introduction of sophisticated weaponry.

8. On 10 January 1997, I expressed my concern at the increase in tension in Cyprus. I noted that recent events again underlined the inherent instability of the status quo and added urgency to the concerted efforts to achieve an overall political settlement through negotiations. I underscored the importance of carefully prepared, face-to-face talks between the leaders and called upon the parties to respond positively to the various ideas the United Nations had put forward to reduce tension and avoid the risk of confrontation on the island.

9. Pending a settlement, the United Nations Force in Cyprus (UNFICYP) has continued, under its mandate, to discharge humanitarian functions on behalf of the Greek Cypriots living in the northern part of the island, whose number stood at 486 in December 1996. UNFICYP officers have continued to interview, in private, Greek Cypriots who applied for "permanent transfer" to the southern part of the island, in order to verify that the transfer was voluntary. UNFICYP has also continued to facilitate temporary visits by Greek Cypriots from the Karpas area to the southern part of the island for family and other reasons. In addition, it continued to assist in arranging contacts between Maronites living on the island, 187 of whom reside in the northern part, and to deliver them foodstuffs and other supplies provided by the Government of Cyprus. UNFICYP continued its periodic visits to Turkish Cypriots living in the southern part of the island and assisted in arranging family reunion visits for Turkish Cypriots. UNFICYP is aware of the presence of 343 Turkish Cypriots living in the southern part of Cyprus, who have made themselves known to the Force. The Force continued to provide emergency medical evacuation of civilian members of both communities residing in the northern part of Cyprus.

10. UNFICYP continued its efforts to promote and facilitate bicommunal events with a view to increasing communication and cooperation between the two communities. During 1996 a significant number of such events were convened and organized by the United Nations, embassies of several interested Governments and non-governmental organizations. A notable event was the open house organized by UNFICYP on 24 October when over 3,000 Greek Cypriots and Turkish Cypriots joined United Nations personnel at the Ledra Palace Hotel in Nicosia to celebrate United Nations Day. Since then, however, demonstrations on the Greek Cypriot side close to the Ledra Palace crossing point have frequently prevented passage across the United Nations buffer zone, especially by tourists wishing to visit northern Cyprus for the day. The Turkish Cypriot reaction has been to postpone numerous bicommunal activities until normal conditions at the checkpoint were restored. UNFICYP has repeatedly requested the Government to ensure that the demonstrations are brought under control and that they do not hinder normal passage at the checkpoint.

11. Throughout 1996, the Turkish Cypriot authorities continued to insist on case-by-case authorization for Turkish Cypriots wanting to attend bicommunal activities, even inside the United Nations buffer zone. Such permission was often denied at little or no notice and without explanation. Despite the

efforts of UNFICYP, United Nations programmes, interested diplomatic missions and non-governmental organizations, no progress has been made in removing these obstacles.

12. As previously reported (see E/CN.4/1996/54) and in line with operative paragraph 7 of Security Council resolution 1062 (1996), UNFICYP continued to monitor closely the living conditions of Greek Cypriots and Maronites living in the northern part of the island and Turkish Cypriots living in the southern part and to assess them against the recommendations of UNFICYP in its humanitarian review (see E/CN.4/1996/54, paras. 15-16).

13. With regard to Turkish Cypriots living in the southern part of Cyprus, who are accorded the same legal rights and privileges as Greek Cypriots, but who have often been victims of capricious discrimination or police harassment, UNFICYP in its humanitarian review made four recommendations to the Government for improvements in their conditions. Those recommendations have been implemented. The Government undertook an investigation of several incidents and the District Commissioner, the Chief and the Deputy Chief of the police in Limassol were dismissed. The Attorney General will decide what further action should be taken in the light of material collected by the government Ombudsman. Measures are being considered to extend the investigative powers of the Ombudsman to include power of criminal investigation, as well as to endow the Attorney General with the right to appoint criminal investigators for cases involving complaints against the police. Steps are also being taken to make public prosecutors independent of the police headquarters. Lastly, the curriculum of the Police Academy is being improved to promote greater police awareness of constitutional and human rights issues. The Government has opened an information/liaison office in Limassol staffed by Turkish-speaking personnel where Turkish Cypriots can obtain information on and assistance with their entitlements. The Government has also agreed with the UNFICYP recommendation to establish a Turkish Cypriot elementary school staffed by a Turkish Cypriot teacher.

14. In December 1996, UNFICYP opened a liaison post in Limassol, which is open two days a week, to facilitate further the Force's humanitarian functions with respect to Turkish Cypriots living in the southern part of the island.

15. The humanitarian situation of the Greek Cypriots and Maronites living in the northern part of Cyprus did not change significantly during 1996. Some improvements were, however, noted with regard to travel within the northern part of the island, travel to the southern part or travel by Greek Cypriots living in the southern part wishing to visit close relatives in the northern part of Cyprus. Some telephones were installed in the homes of Greek Cypriots in the Karpas area and of Maronites at Kormakiti. The telephones, though, do not permit direct calls to the southern part of the island, the main destination of calls by these communities. The key restrictions on Greek Cypriots and Maronites living in the northern part of Cyprus, noted in the UNFICYP 1995 humanitarian review, persist. For example, Greek Cypriot school children over the age of 16 for boys and 18 for girls who attend school in the southern part of Cyprus, may never return to their homes in the northern part, not even to visit. Travel within the northern part of Cyprus remains restricted for Greek Cypriots, as does access to sites of religious significance: such visits can only be undertaken by groups of no less

than 20 people. Greek Cypriots living in the Karpas can still not bequeath fixed property to their next of kin living outside of the northern part of Cyprus. The continuing policy of the Turkish Cypriot authorities is to consider property "abandoned or ownerless" whenever the Greek Cypriot or Maronite owner dies or permanently leaves the area.

16. There have been some limited improvements with respect to the freedom of movement of and provision of water to the Maronites living in the northern part of Cyprus. However, a medical centre which Maronite doctors and nurses were to be visiting on a regular basis has not yet been established in Kormakiti. The Turkish Cypriot authorities insist that appropriate medical facilities exist there. It should be noted that the Vienna III Agreement of 2 August 1975 specifically provided that Greek Cypriots living in the northern part of Cyprus be able to receive medical care from their own doctors. This issue has become even more important in the light of the growing medical needs of this ageing community.

17. A positive development during the period under review was that 160 Greek Cypriots were granted permission to visit the Apostolos Andreas monastery on 15 August 1996, even though this pilgrimage was subsequently cancelled owing to the violent demonstrations and subsequent events that occurred at Dherinia on 11 and 14 August. Another positive development was that Turkish Cypriots were permitted to cross the National Guard cease-fire line by bus to participate in a memorial service in Kokkina on 8 August.

18. Regrettably, intercommunal activities were negatively affected by the incidents in August and their aftermath. The authorities in the north decided to apply stricter security measures. On the one hand, restrictions of movement were imposed on Greek Cypriots applying for permits to visit close relatives in the Karpas. On the other hand, Turkish Cypriots living in the northern part of the island who work in the southern part, were discouraged from travelling south and thus could not pursue their employment. Since August, the regular medical transport provided by UNFICYP for persons living in the north wishing to receive specialist medical attention in the south has been interrupted by the Turkish Cypriot authorities.

19. UNFICYP has raised with the Turkish Cypriot authorities the Greek Cypriot concern about the desecration and the state of repair of the cultural heritage of Cyprus in the northern part of the island. The Turkish Cypriot authorities consider the maintenance of schools and religious buildings as their own responsibility and, despite their own lack of resources, would not permit Greek Cypriots to make funds available for this purpose. It should be noted, however, that in some cases, there is little initiative on the part of the Greek Cypriots living there to improve matters with their own means.

20. UNFICYP has been requested to assist in arranging for the replacement of a retired Greek Cypriot priest and a school teacher in the Karpas. To date, the Turkish Cypriot authorities have refused to allow these two vacancies to be filled. It must be recalled that freedom of education and of religion for Greek Cypriots living in the northern part of the island was specifically guaranteed in the Vienna III Agreement. However, the Turkish Cypriot authorities have made their cooperation contingent upon the replacement of one of the two Greek Cypriot teachers in the Karpas, who is known for her

political activism. The only remaining teacher in Rizokarpasso is now required to teach some 30 students of different age groups in one classroom. This has an adverse effect on the standard of education in the Karpas and violates the Vienna III Agreement.

21. During the latter half of 1996, the Turkish Cypriot authorities imposed restrictions on the freedom of movement of a number of Maronites in Kormakiti owing to a dispute over the appointment of the Mukhtar installed in the village by the Turkish Cypriot authorities. Efforts by UNFICYP to assist in finding a solution acceptable to the Maronite community in the area have so far been unsuccessful. Irrespective of the political situation in the Maronite village, the denial of freedom of movement to individual members of the community and their relatives in the south by the Turkish Cypriot authorities is unacceptable.

22. Following the violent demonstrations and incidents that took place in August and September 1996, UNFICYP was contacted by a number of Turkish Cypriots living in the southern part of the island who expressed concern for their safety. As a result, the United Nations Civilian Police increased their visits to Turkish Cypriots in the south. With the opening of the UNFICYP liaison post in Limassol (see para. 14 above) regular access to UNFICYP humanitarian officers was increased for Turkish Cypriots living in the area.

23. The Turkish Cypriots living or working in the southern part of Cyprus and in the United Nations buffer zone have been adversely affected by the aftermath of the incidents of recent months, which constituted the worst period of intercommunal violence witnessed since 1974. Most workers, including the Turkish Cypriot residents of Pyla, have been temporarily suspended from their employment. UNFICYP has urged the Government to take the necessary steps to ensure that these persons can return to their places of work without delay. In the meantime, as an interim measure, UNFICYP has successfully intervened so that they receive unemployment entitlements.

24. UNFICYP continued to maintain close liaison and cooperation with the military and civilian authorities on both sides. The liaison arrangements on the whole worked well, although the Force's timely and unmonitored access to detainees on both sides, in particular those who have crossed the buffer zone, needs to be improved. Special liaison arrangements made with the military and police authorities on both sides during the August demonstrations near Dherinia in the buffer zone, proved to be invaluable, not least in countering misinformation which, given the prevailing tension, could have easily triggered misguided actions with potentially serious consequences.

25. Efforts to improve freedom of movement for UNFICYP in the northern part of the island remained unsuccessful. It is a matter of concern that UNFICYP is still constantly monitored by local police during its humanitarian visits to Greek Cypriots and Maronites living in the northern part of Cyprus. This has an adverse effect on UNFICYP humanitarian contacts with these two communities.

26. UNFICYP continued to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR), as coordinator of United Nations humanitarian assistance to needy displaced persons in Cyprus and in bicommunal

cooperation in a variety of areas. The Force also maintained close cooperation and liaison with the respective police authorities on matters with intercommunal aspects.

27. By a letter dated 4 April 1996, addressed to the leaders of the two communities, the Secretary-General asked them to agree on four specific points as an indication of their determination that the Committee on Missing Persons should make expeditious progress before initiating the procedure to appoint a new Third Member. In his report to the Security Council of 10 December 1996, the Secretary-General stated, however, that despite the substantial work carried out by both sides, no agreement had been reached on the four points, and the merits of continuing United Nations support to the Committee were currently being considered (S/1996/1016, para. 27).

28. The activities of UNFICYP, including those relating to its humanitarian responsibilities, are described in the Secretary-General's most recent reports to the Security Council on the operation in Cyprus (S/1996/411 and S/1996/1016). A full account of the Secretary-General's recent mission of good offices in Cyprus is contained in his last two reports to the Security Council (S/1996/467 and S/1996/1055).

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